

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

IBM ARBITRATION AGREEMENT  
LITIGATION

Case No. 1:21-cv-06296-JMF

ECF Case

**~~PROPOSED~~ ORDER**

WHEREAS, in *Abelar v. Int’l Bus. Machines Corp.*, No. 1:21-cv-006307 (S.D.N.Y.) (“*Abelar*”), on November 17, 2021, Plaintiff Abelar filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56;

WHEREAS, in *Abelar*, on November 18, 2021, Defendant International Business Machines Corporation (“IBM”) moved to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6);

WHEREAS, on November 23, 2021, *Abelar* was reassigned to District Judge Jesse M. Furman;

WHEREAS, on November 24, 2021, District Judge Furman entered an order consolidating *Abelar* with *In Re: IBM Arbitration Agreement Litigation*, 1:21-cv-06296-JMF, pursuant to Fed. R. Civ. P. 42(a)(2) and *Hall v. Hall*, 138 S.Ct. 1118 (2018) (“the consolidated cases will ‘retain their separate identities’”);

WHEREAS, in the November 24, 2021 Order, District Judge Furman also directed the parties to “confer and, if the parties agree, submit a joint letter and proposed order regarding how to address the pending motion to dismiss and motion for summary judgment in [*Abelar*] going forward”;

WHEREAS, the parties have conferred and agreed to the following procedure for addressing the pending motion to dismiss and motion for summary judgment in *Abelar*:

1. By entry of this Order, Plaintiff Abelar and IBM are deemed to have withdrawn their respective motion for summary judgment (Docket No. 12) and motion to dismiss (Docket No. 21) and the Clerk is directed to terminate those motions.
2. Plaintiff Abelar shall be deemed part of the group of plaintiffs whose claims are subject to Plaintiffs’ pending motion for summary judgment and IBM’s pending motion to dismiss in *In Re: IBM Arbitration Agreement Litigation* such that the Court’s ruling(s) on such motions shall apply to Plaintiff Abelar.

SO ORDERED.

Dated: December 1, 2021

New York, New York



Hon. Jesse M. Furman  
United States District Judge

Agreed:

s/ Shannon Liss-Riordan

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